

## Remarks

- 1) Applicant thanks the Examiner for his well considered office action and hopes that this response will further the understanding of applicant's invention.
- 2) This correspondence is in response to a final office action mailed to applicant on May 22, 2006. The amendment filed on April 21, 2006 did not amend claims 1-5, which were rejected by the Office using new grounds of rejection. As the new grounds of rejection were not necessitated by applicant's amendment, Applicant respectfully submits that the finality of the rejection was improper and requests that the Office issue a non final action in response to this argument. Applicant pointed out this discrepancy in a telephone conversation with the Examiner on May 23, 2006, and an agreement was reached that after a response by applicant, a new non-final office action will be issued. No discussion on the merits ensued, and the conversation was limited only to the issue of the improper finding of finality.
- 3) The Examiner noted several inadvertent errors by applicant, and accordingly rejected claims 6, 15, and 18. Applicant apologizes to the Office for those errors, thanks the Examiner for his diligence, and has corrected the claims in question.
- 4) While this argument should not be considered a full response on the merits to the final office action, in order to assist the prosecution, applicant would like to point out several issues promulgated in the present office action. Firstly, applicant points out that the Brunet reference (US5,995,590) relates merely to telephony system, and not to a text to voice messaging system in a television environment. Thus the Brunet patent relates to a different, non-analogous field or art, than both the McKissick patent and the present invention, and the references may not be properly combined. Even if the references are properly combinable, neither references places the text to speech module on the set-top box as claimed. Moreover, the Burnet reference relates to real time speech and while the reference discuss converting speech back to text for delivery to an e-mail or a pager, the cited text (col. 4, ll. 27-32) clearly does not disclose a delivery module to a messaging system capable of handling voice messages, as claimed.
- 5) As this intermediate response is not a full response on the merits, it is of somewhat irregular nature. Thus applicant's agent understands that the Office may not enter the

amendment into record. Applicant respectfully requests that the Office will indicate if the amendment was not entered in the ensuing non-final office action, so corrections made in this amendment can be presented again in a full response on the merits.

- 6) Applicant respectfully requests that the rejections and the finality of the Office action mailed May 22, 2006, would be reconsidered and withdrawn.
- 7) Should the Examiner find any deficiency in this amendment or in the application, or should the Examiner believe for any reason, that a conversation with applicant's agent may further the allowance and issuance of this application, the Examiner is kindly requested to contact Shalom Wertsberger at telephone (207) 799-9733.

Respectfully submitted

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